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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ASSOCIATED PRESS,

Plaintiff,

-v-

UNITED STATES DEPARTMENT OF DEFENSE,

Defendant.

05 Civ. 3941 (JSR)
05 Civ. 5468 (JSR)

ORDER

JED S. RAKOFF, U.S.D.J.

On consent of both parties, the portion of the Court's Opinion and Order of January 23, 2006 in 05 Civ. 3941 that requires the defendant to furnish plaintiff with unredacted transcripts and related documents is hereby stayed until February 23, 2006 on the following two conditions:

(1) on or before February 22, 2006, the defendant will advise the Court in writing whether it will seek to appeal the final judgment entered pursuant to the aforesaid Opinion and Order and, if so, whether it will promptly request the Court of Appeals to give such appeal expedited treatment; and

Associated Press v. United States Department of Defense Doc. 46

(2) in the companion case, 05 Civ. 5468, the parties will, without further day, seek final resolution of that case by means of a summary judgment motion brought by the defendant on the following schedule: defendant's moving papers to be served by February 15; plaintiff's answering papers to be served by February 24; defendant's reply papers to be served by March 2 (following which the Court will promptly decide the motion on the papers unless it determines that oral argument is necessary).

SO ORDERED.

JED S. RAKOFF, U.S.D.J.

Dated: New York, New York
January 25, 2006